

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

Rantanya Smith,

Plaintiff,

V.

Synerprise Consulting Services, Inc.,

Defendant.

Civil Action No.: 4:14-cv-00189

## COMPLAINT

For this Complaint, Plaintiff, Rantanya Smith, by undersigned counsel, states as follows:

## JURISDICTION

1. This action arises out of Defendant’s repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et. seq.* (the “TCPA”).

2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that Defendant transacts business here, Plaintiff resides in this judicial district, and a substantial portion of the acts giving rise to this action occurred here.

## PARTIES

3. Plaintiff, Rantanya Smith (“Plaintiff”), is an adult individual residing in Fort Worth, Texas, and is a “person” as defined by 47 U.S.C. § 153(10).

4. Defendant Synerprise Consulting Services, Inc. (“SCS”), is a Texas business entity with an address of 2809 Regal Road, Suite 107, Plano, Texas 75075, and is a “person” as defined by 47 U.S.C. § 153(10).

**FACTS**

5. Within the last year, SCS called Plaintiff's cellular telephone in an attempt to collect a debt using an automatic telephone dialing system ("ATDS" or "predictive dialer") and/or by using an artificial or prerecorded voice.

6. When answering SCS's calls, Plaintiff heard a prerecorded message stating: "Someone will be on the phone shortly . . ." After this message, a live representative would come on the line.

7. Plaintiff requested that SCS cease all calls to her cellular telephone.

8. In response, SCS told Plaintiff that it would keep calling until she started paying.

9. SCS then continued to hound Plaintiff with automated calls in an attempt to collect a debt.

10. If at one time SCS had obtained Plaintiff's express consent to place calls to her cellular telephone, it no longer had consent after Plaintiff requested that the calls cease.

11. The calls from SCS were not placed for emergency purposes.

**COUNT I**

**VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –  
47 U.S.C. § 227, et seq.**

12. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

13. Defendant contacted Plaintiff using an automatic telephone dialing system and/or by using a prerecorded or artificial message on a cellular telephone of 47 U.S.C. § 227(b)(1)(A)(iii).

14. Plaintiff either never provided express consent to Defendant or the Creditor to call her cellular telephone number, or Plaintiff revoked her consent to be contacted by Defendant on her cellular telephone by her repeated demands to cease calling her cellular telephone.

15. The calls from Defendant to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

16. Each of the aforementioned calls made by Defendant constitutes a negligent or intentional violation of the TCPA, including each of the aforementioned provisions of 47 U.S.C. § 227, *et. seq.*

17. As a result of each of Defendant’s negligent violations of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

18. As a result of each of Defendant’s knowing and/or willful violations of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 for each and every violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(1)(A);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
3. Such other and further relief as may be just and proper.

**TRIAL BY JURY DEMANDED ON ALL COUNTS**

Dated: March 17, 2014

Respectfully submitted,

By /s/ Jody B. Burton

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